REMARKS

Claims 1-30 were originally filed in this application. By the above amendment, Claims 2, 3, 5, 8, 9, 19, 27 and 28 are deleted, and new claims 31-43 are added. Accordingly, Claims 1, 4, 6, 7, 10-18, 20-26, 29-43 are pending.

The Examiner initially rejected claims 1, 5, and 30 of the present application as being anticipated by U.S. Patent No. 6,263,836 to Hollis. Claim 8 has been rejected as being obvious over Hollis in view of U.S. Patent No. 6,273,027 to Watson et al. For the following reasons, the applicant traverses these objections.

Independent claim 1, submitted herewith, is amended by the applicant to include the features of current claims 1, 5, and 8. Claim 30 is amended to describe the reward as a food reward. Claims 1 and 30 now describe an automated animal return system and method for causing an animal to return to a reward zone comprising: a **locator system** for detecting a position of the animal relative to a reward zone; a **command system** for issuing a command to the animal when the locator system detects that the position of the animal is within a first boundary zone located beyond the reward zone, the command designed to encourage the animal to go to the reward zone; and a **reward system** for providing a **food reward** to the animal when the locator system detects that the animal begins to return to the reward zone from the first boundary zone in response to the command. As amended, claims 1 and 30 are submitted to describe an automated animal return system and method that patentably distinguishes over the system described by Hollis, even when considered in view of Watson et al.

In particular, Hollis, describes a dog behaviour monitoring and training apparatus that can be used as a containment system, however, Hollis never describes providing a reward to the animal when the locator system detects that the animal begins to return to the reward zone from the first boundary zone in response to the command. As noted by the Examiner, Hollis does describe that microphone (14) provides the user a means for recording voice input for behaviour correction and reward command messages (Col. 4, Lines 50-53). However, Hollis never indicates or even suggests when or how these

reward messages should be issued to the animal. In particular, Hollis never describes a reward system for providing a food reward to the animal when the locator system detects that the animal begins to return to the reward zone from the first boundary zone in response to a command, as described by the present applicant in amended claim 1.

On the only occasion where Hollis describes issuing a command to encourage the animal to return home after it has totally escaped the confinement area (Col. 8, lines 1-4), Hollis never follows up with the provision of a reward. Hollis merely allows the animal to return to the containment area without receiving a shock.

In all cases where Hollis describes the use of his system for containment, he is completely silent on the provision of a reward, and in particular never describes providing a food reward to the animal when the animal begins to return to the containment area. In particular, at Col. 3, lines 9-14, the object of Hollis' invention, as it relates to containment, is to warn or punish when the containment wire is approached or traversed and to allow re-entry without punishment. No mention is made of providing a reward to the animal upon return to the containment area in response to a command.

At Col. 5, lines 34-63, Hollis describes providing a warning stimulus as the animal approaches the inner confinement region and another stimulus as the animal crosses through the containment wire and escapes to the outer containment region. Again, Hollis makes no mention of providing a reward to the animal if the animal obeys the first warning stimulus or upon return to the containment area. The stimulus described by Hollis can be selected from voice messages/sounds or short pulsed electric shocks (Col. 5, lines 54-58). However, such stimulus cannot be considered a reward, particularly when it is issued to warn the animal that it is approaching the containment wire or to punish the animal for crossing through the containment wire. A reward in those situations would be inappropriate.

At Col. 7, lines 36-67, and at Col. 8, lines 45-50, Hollis further describes using his system for dog containment. Again, Hollis only teaches the use of voice and/or correction stimulus as the dog moves near and through the containment wire and never

describes providing a reward to the dog upon its return to a reward zone in response to a command, as describe by the applicant in amended claims 1 and 30 of the present application. At Col. 9, lines 23-27, Hollis describes the containment system as having only two user selectable options, that being proximity to the fence before a warning and proximity to the fence before correction. No mention is made of a reward of any kind for the animal returning to the containment area.

The Examiner has rejected claim 8 currently in the application on the basis of Hollis as combined with Watson et al. As noted, the applicant has amended claims 1 and 30 to include the features of claim 8 - providing a food reward. In the Examiner's view, Hollis does not describe that the reward is a food reward or a combination of both food and audible rewards. According to the Examiner, these elements are provided by Watson et al. The applicant disagrees that Hollis and Watson et al. can be combined as suggested by the Examiner to arrive at the applicant's invention as described in amended claims 1 and 30 of the present application.

In particular, Watson et al., describes an automatic training device that provides a reward to the animal in the absence of undesired behaviour. If the undesired behaviour is detected, a response marker is provided to let the animal know that it is exhibiting undesired behaviour. Once the behaviour ceases, a reward anticipation marker is provided after a certain length of time to inform the animal that a reward element is about to be dispensed. If the undesired behaviour is again detected, a response marker is provided and the length of time for receiving the reward is reset. According to Watson et al. the device may be used to stop an animal from escaping by setting a short interval of time at which reward elements are dispensed and by providing a tethered chewtoy with a motion or tension detector mounted thereto, or a pressure sensitive mat. Presumably, a response marker is provided if the animal is not on the mat or not chewing the toy and a reward element is dispensed after a certain time interval if the animal remains on the mat or continues to chew the toy. Contrary to the present invention as described in amended claims 1 and 30, Watson et al. does not describe a locator system for locating the animal

relative to a reward zone, nor does Watson et al. describe a command system for issuing a command to the animal when the locator system detects that the position of the animal is within a first boundary zone located beyond the reward zone. Moreover, Watson et al. does not describe the provision of a food reward when the locator system detects that the animal begins to return to the reward zone from the first boundary zone. Watson et al. only provides a reward after a predetermined amount of time, which time is reset upon detection of the undesired behaviour.

As noted above, neither Hollis nor Watson et al. describe the provision of a reward when the locator system detects that the animal begins to return to the reward zone. Accordingly, there can be no suggestion to combine the teachings of Hollis and Watson et al. to result in the automated animal return system and method as described by the applicant in amended claims 1 and 30.

Moreover, neither Hollis nor Watson et al. describe a command system for issuing a command to the animal when the locator system detects that the position of the animal is within a first boundary zone located beyond the reward zone. At Col. 8, lines 1-4, Hollis describes that his system provides a voice message (for example GO HOME!) from loudspeaker (16), but only when the animal moves outside the range of the containment signal and outside the containment area. At all other times, Hollis only describes the provision of a warning stimulus as the animal nears the inner confinement region and another correction stimulus as the animal crosses the containment wire into the outer containment region. At no time is a command issued by Hollis, except when the system detects that the animal has totally escaped the containment area and the containment signal is lost. Watson et al. only describes providing a response marker to let the animal know that it is exhibiting undesired behaviour. Watson et al. does not teach issuing a command to the animal when the locator system detects that the position of the animal is within a first boundary zone located beyond the reward zone as described by the applicant in amended claims 1 and 30 of the present application.

Accordingly, amended claims 1 and 30, as provided herewith are submitted to patentably distinguish over Hollis and Watson et al., either when considered individually or when combined.

Since remaining claims 31-43 in the application and the new claims are all dependent from claim 30, which are submitted to be allowable, they too are submitted to be in allowable form and the Examiner is requested to allow these claims as well. No new subject matter is believed added by these new claims.

For the above-noted reasons, amended Claim 1, 6, 7, 10-13, 18, 20-25, 29 and 30, original Claims 4, 14-17 and 26, and new Claims 31-43 are believed in condition for allowance. The Examiner is requested to contact the undersigned if this will assist in advancing this application to allowance.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By: _____
Jeffrey S. Sokol
Reg. No. 35,686

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, St. 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No. 1013-00029

Drawings:

Please replace drawing Figures 1-4 as noted in the Request for Approval of Replacement Drawings.